

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 03-4412

In Re: ANDRE GERARD LEWIS,

Petitioner.

On Petition for Writ of Mandamus. (CR-99-314)

Submitted: September 29, 2003

Decided: December 18, 2003

Before NIEMEYER, GREGORY, and SHEDD, Circuit Judges.

Petition denied by unpublished per curiam opinion.

Andre Gerard Lewis, Petitioner Pro Se.

Unpublished opinions are not binding precedent in this circuit.
See Local Rule 36(c).

PER CURIAM:

In this petition for a writ of mandamus, Andre G. Lewis seeks leave to proceed in forma pauperis. An inmate may proceed in any federal court with partial prepayment of fees in certain circumstances. 28 U.S.C. § 1915(b) (2000). However, the court may dismiss the action if it concludes that "the allegation of poverty is untrue or the action . . . is frivolous or malicious . . . [or] fails to state a claim." 28 U.S.C. § 1915(e)(2) (2000). After reviewing the motion for leave to proceed in forma pauperis and the mandamus petition, we find Lewis's petition is frivolous, malicious and fails to state a claim. Accordingly, we deny the motion for leave to proceed in forma pauperis and dismiss the petition.

On August 19, 2003, by order to show cause, Lewis was ordered to demonstrate why he should not be sanctioned for filing frivolous actions in this Court and enjoined from filing further actions. Lewis filed a response claiming his mandamus petition was not frivolous and that because he is a pro se litigant, he should be permitted to proceed without sanctions. After reviewing the petition and Lewis's history of filing frivolous actions in this Court, we disagree. The mandamus petitions and numerous motions Lewis has filed are consistently frivolous. In lieu of particularized fees and costs and in light of Lewis's utter disregard for the limited resources of this court, we order Lewis to pay sanctions in the amount of \$500 payable to the clerk of the

court, as we have done in similar cases. See In re Vincent, 105 F.3d 943 (4th Cir. 1997). In addition, we enjoin Lewis from filing any further appeals or other actions in this court until (1) the sanctions are fully paid, and (2) the district court or this court determines the action is not frivolous.

We deny Lewis's motions for leave to proceed in forma pauperis and we dismiss the mandamus petition. We sanction Lewis and enjoin him from filing future actions in this court in accordance with this opinion. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

PETITION DENIED